



Calhoun: The NPS Institutional Archive

Institutional Publications

Naval Postgraduate School Barometer

1974-08-05

The Barometer / v.17-5

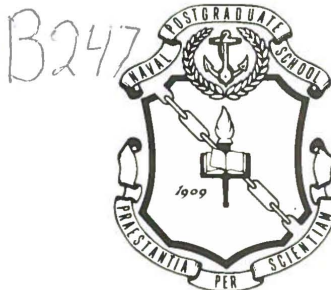
<http://hdl.handle.net/10945/50349>



Calhoun is a project of the Dudley Knox Library at NPS, furthering the precepts and goals of open government and government transparency. All information contained herein has been approved for release by the NPS Public Affairs Officer.

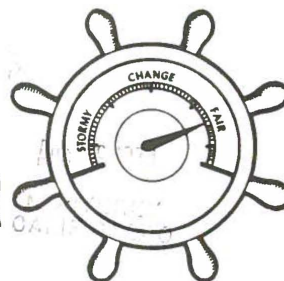
Dudley Knox Library / Naval Postgraduate School
411 Dyer Road / 1 University Circle
Monterey, California USA 93943

<http://www.nps.edu/library>



The

BAROMETER



VOL XVII, No. 5

5 AUGUST 1974

EDITORS:

LCDR Pat SHEPHERD, SMC #2614

LT Ken HOLLEMON, SMC #1181

The BAROMETER is a student weekly newspaper for the exchange of ideas and information concerning the development and improvement of the professional environment at the Naval Postgraduate School. Items of interest, papers, and articles of interest to the students, staff, and faculty as a whole are solicited.

"The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws on or under the high seas and waters subject to the jurisdiction of the U.S.; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the U.S. covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate with due regard to the requirements of national defense, aids to navigation, icebreaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to...the U.S.; shall engage in oceanographic research of the high seas and in waters subject to... the U.S.; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war." Title 14, U.S.C.

EDITORIAL COMMENT: Sunday, August 4, 1974, marked the 184th anniversary of the founding of the Coast Guard. The service, under different names, has seen continuous service since 1790 and its current size is approximately 38,000 officers and men. Perhaps some of our readers have asked what those officer-students with the white and orange name tags do in the "real world". The Coast Guard is noted primarily for its humanitarian search and rescue operations. Last year it answered 64,000 calls for assistance, saved over 4,000 lives, assisted 125,000 other persons, and saved property valued in excess of \$230,000,000. There is another side of the Coast Guard, though. It is also the principle federal maritime law-enforcement agency. The feature article for this week, written by LCDR Stephen M. Aug, USCGR, delves into this aspect of the Coast Guard.

FEATURE: POLICEMEN OF THE SEA

"The United States Coast Guard, smallest of the nation's armed forces, is growing-slightly, but perceptibly-propelled by ever-growing responsibilities in law enforcement.

The Coast Guard's growth-about 4 per cent a year during the past 15 years to a current level of about 38,000-is in marked contrast to the other military services, which have been shrinking dramatically since a Vietnam War peak of 3.5 million in 1968-69.

But then the Coast Guard has a far different mission. It is the only armed force whose primary responsibilities keep it just as busy in peace as in war. And it is one of these peacetime jobs-serving as the nation's principal maritime police force-that is keeping it incredibly busy today.

So busy is the Coast Guard, in fact, that it can barely keep up with its present duties and has been calling on its 11,000 member Reserve force for augmentation of the regular establishment. It is the only armed force to have Reservists assigned to regular peacetime augmentation duties.

Coast Guard Reservists these days are found spending weekends at lifeboat stations, radio facilities, and group offices, as well as aboard cutters, filling in spots normally held by regulars. And under new legislation the Coast Guard can call Reservists to active duty to help during peacetime domestic emergencies such as major pollution incidents, hurricanes, floods, or similar natural disasters.

But even with the Reservists' help it's tough going. As Vice Admiral Thomas R. Sargent, III, former Vice Commandant, said in an interview, the Coast Guard's biggest law enforcement

problem is 'just people...Federal maritime law enforcement is so all-encompassing for the Coast Guard that our petty officers and officers particularly must know a tremendous amount-not just about maritime law and international law, but their powers over other vessels,' he said.

Sargent pointed out that the Coast Guard has been given increasing responsibilities not only over fisheries law enforcement but also in enforcement of motorboat safety laws and anti-pollution laws, a segment he considers the service's 'biggest headache'.

He noted that anti-pollution laws now call for Coast Guard enforcement of the so-called 'contiguous zone'-the area between the three-mile territorial sea and a 12-mile limit from the coast. With a limited number of ships and aircraft-all are committed to multi-mission responsibilities-'You just don't ideally cover all areas....' A vessel on a search and rescue case will do law enforcement if it can...but there just isn't enough equipment to go around, and people...to do a perfect job of enforcement. We are, however, a great deterrent to the violator'.

Still, the Coast Guard's law enforcement responsibilities, a major portion of its over-all mission-which also includes marine safety and military readiness-is the first mission the Coast Guard ever had.

Shortly after the Revolutionary War the new federal government found itself with a difficult problem. During the war to free the colonies from British domination it had been a common practice-and one popular with the colonists' cause-to smuggle goods, to circumvent unpopular import taxes. So popular had the practice become that it continued ever after the Revolution, depriving the fledgling government of a vital source of revenue.

First Secretary of the Treasury Alexander Hamilton realized that, to prevent the national treasury from going broke, some way had to be found to collect customs revenues. Since there no longer was a Navy (it had been disbanded after the war), he seized on the idea of a fleet of small boats that would enforce customs laws. A few boats had been operating the Schuylkill River collecting customs duties under the direction of Colonel Sharp Delaney, then customs collector in Philadelphia. Hamilton knew of the arrangement and convinced Congress in 1790 to authorize 10 boats for the federal government.

The cutter MASSACHUSETTS, first boat in what was then called the Revenue Marine or Revenue Cutter Service (it became the Coast Guard in 1915), was launched in 1791. The Coast Guard was under way.

Rapid expansion of Coast Guard law enforcement responsibility followed. In 1797 it was given enforcement of quarantine laws; in 1818 enforcement of neutrality laws; in 1819 employment of armed vessels to suppress slave trade; in 1837 aid to distressed vessels; in 1867 general police enforcement powers in Alaska; in 1885 enforcement of fisheries laws; in 1906 destruction of derelict ships; in 1908 patrol of regattas; in 1910 motorboat regulation; and in 1915 enforcement of anchorage regulations.

During the nearly two centuries since its founding the Coast Guard's law enforcement mission has not always been popular. Consider its best known law enforcement mission, probably the least popular one: to stop the widespread smuggling of alcoholic beverages from 1919 until the repeal of Prohibition in 1933.

The Coast Guard's basic law enforcement duties stem from a section of the U.S. Code which states the service 'may make inquiries, examinations, inspections, searches, and arrests upon the high seas and waters over which the United States has jurisdiction for the prevention, detection, and suppression of violations of the laws of the United States.'

The Coast Guard's current law enforcement missions may be placed into seven basic categories:

- .Marine traffic control and safety;
- .Ship, boat, and offshore structure safety;
- .Port safety and security;
- .Environmental protection;
- .Conservation;
- .Criminal law; and
- .Cooperative law enforcement.

One of the service's busiest offshore law enforcement tasks is enforcement of conservation laws which protect wildlife and natural resources. In some cases this means enforcing treaties or conventions to which the United States is a party. Sometimes it involves requests from other agencies (such as the National Marine Fisheries Service) responsible for enforcement of a specific law, although often it is the Coast Guard which has primary enforcement responsibilities.

The Coast Guard has conducted patrols to protect the Pribilof fur seal since early in the 20th century. Since then, other patrols have been assigned to protect halibut, salmon, whales, and other wildlife species.

Currently there are about 20 laws, treaties, and agreements which require Coast Guard air and surface surveillance in five major geographical enforcement areas: off the New England coast, mid-Atlantic coast, northwest coast, Alaska, and the west coast of South America.

One continuing fisheries law enforcement problem is the ongoing battle between trawlers and lobster-pot fishermen. Since early 1971 some U.S. deepwater lobstermen have been complaining about alleged harassment from foreign trawlers. The Coast Guard's view is that, since harassment connotes a malicious intent, these confrontations are more appropriately termed 'gear conflicts'.

The Coast Guard expects that, no matter how careful both sides are, attempts to fish in the same areas with fixed and mobile gear are going to result in mixups and conflicts between trawlers and lobstermen. Most incidents occur 40 to 60 miles offshore, where the Coast Guard has limited power. It does, however, have authority, relatively new, to board certain foreign vessels in certain areas of the high seas to mediate gear conflicts, and the service does inform trawler fleets of the location of the fixed lobster gear.

Of growing importance in Coast Guard law enforcement is boating safety-regulating the activities of about eight million recreational boats.

Considerable controversy erupted as the Coast Guard began to enforce new regulations under authority conferred by the Federal Boat Safety Act of 1971. One section gave the Coast Guard authority it never has had-the power to stop a voyage if it believes the vessel to be unsafe, the practices used unsafe, or weather conditions unsafe for the vessel.

The provision, approved by Congress despite what some observers say was intensive lobbying by boating enthusiasts, gives the Coast Guard power for the first time to put teeth into its warnings short of arresting violators.

In what could be considered a test case of the new law, the Coast Guard recently prevented three couples from sailing three home-made, flat-bottomed boats from California to Australia. Coast Guard officials say those sailing included three children-one only nine months old. Further, none of the adults had had any sailing experience. The Coast Guard limited the vessels to sailing in protected waters.

The same section requires the Secretary of Transportation to promulgate regulations under which the Coast Guard may prevent vessels from sailing-or force them back to shore. Until the 1971 law went into effect, this thankless job had been accomplished with limited success, and strictly by persuasion.

The first regulations under the new law went into effect last summer. Under one set of rules, Coast Guard boarding officers who observe recreational boats being used under certain specified unsafe conditions are authorized to order immediate correction of such conditions-or a return to the nearest mooring if corrections cannot be made immediately.

Enforcement of boating safety laws has always been a duty that has taxed the slender resources of the Coast Guard, especially in summer when boating activity reaches a peak. Since establishment in 1941, the Coast Guard Auxiliary-now about 38,000 strong-has helped the regular service promote water safety, make rescues, promote efficiency in operating motorboats and yachts, and foster wider knowledge of navigation rules. Its widespread program of courtesy motorboat examinations attempts to insure that boat owners are complying with Coast Guard safety standards.

In boating seasons the regular Coast Guard is augmented by reservists, especially on busy weekends, but also during their two-week annual active-duty periods in connection with boating safety.

Another fast-growing law enforcement job involves water pollution. The Coast Guard has been in the anti-pollution business since 1899 when it began enforcing the Refuse Act which governs oil discharges in the Great Lakes and on inland navigable waters. Its oil pollution responsibilities were broadened by the Oil Pollution Acts of 1924 and 1961 which govern oil pollution on U.S. coastal waters. The Army Corps of Engineers, the Department of Interior and the Bureau of Customs also are involved in enforcement of these laws.

The Coast Guard's role in combating water pollution was considerably expanded with 1972 amendments to the Water Quality Improvement Act. Initially, a series of tragic and widely-publicized oil spills resulted in passage of the original Water Quality Act of 1970. The Coast Guard was given a wide range of responsibilities under it.

The newest amendments require that all spills-not just major spills-of a harmful quantity of oil into U.S. waters be reported to the Coast Guard. This 'harmful quantity' is defined as any amount that creates even a film on the water. It includes penalties for accidental spills-in the past only knowingly spilling such substances was penalized.

Under the new law even a couple of gallons of oil spilled over the side of a dock during a mishap at a smallboat marina is reportable to the Coast Guard. If someone else reports it-rather than those involved-the individual who caused the spill (and didn't

report it) could be subject to criminal penalties of a \$10,000 fine and a year in jail.

Under federal anti-pollution legislation, the Coast Guard is assigned the task of writing standards for operation of certain terminals where oil and other hazardous substances are transferred, and also is responsible for policing the manner in which off-shore dumping is carried out.

Coast Guard law enforcement duties also grew with the passage of the 1972 Ports and Waterways Safety Act, which gives the service authority to establish vessel traffic systems in congested ports and waterways. The first such system was set up in San Francisco to help control traffic in and out of the West Coast's busiest port.

The nation's smallest armed force also handles a variety of other law enforcement tasks involving such matters as:

- Merchant marine safety, including inspection and certification of all vessels; licensing, certification and disciplining of merchant marine personnel; investigation of accidents and enforcement of duties of shipowners and officers following accidents; and promulgation and enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage and the like.

- Enforcement of a variety of state, local and national quarantine laws.

- Regulation of maritime transportation of dangerous cargoes. Loading and unloading of explosives is forbidden without the Coast Guard's express consent, and the service supplies details to supervise each loading or unloading. As part of a general port security program, it promulgates and enforces fire and other safety regulations at waterfront facilities.

There are also a host of lesser law enforcement duties, and, in addition, the Coast Guard actively cooperates with other federal agencies, if only to supply a platform for their law enforcement operations. These include aiding the Bureau of Narcotics and Dangerous Drugs in capturing 'drug runners,' helping the Immigration and Naturalization Service and the Bureau of Customs with their duties, and enforcing anchorage regulations set down by the Army Corps of Engineers."

SEA POWER JANUARY 1973